

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN LEE ASNICAR,

Defendant.

CASE NO. MJ 15-333

DETENTION ORDER

Offense charged: Production of Child Pornography; Distribution of Child Pornography;  
Possession of Child Pornography

Date of Detention Hearing: July 31, 2015.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with an offense involving a victim under the age of 18 under 18 U.S.C, Sections 2251(a) and (e), 2252(a)(2) and (b)(1), and 2252(a)(4)(B) and (b)(2). There is therefore a rebuttable presumption against defendant as to both dangerousness

1 and flight risk, under 18 U.S.C. § 3142(e).

2 2. Defendant's criminal record includes similar charges, but not convictions. The  
3 instant alleged offense pertains to a 3 year old niece. He has some mental health issues and  
4 possible suicidal ideation.

5 3. Taken as a whole, the record does not effectively rebut the presumption that no  
6 condition or combination of conditions will reasonably assure the appearance of the defendant as  
7 required and the safety of the community.

8 It is therefore ORDERED:

- 9 1. Defendant shall be detained pending trial and committed to the custody of the Attorney  
10 General for confinement in a correction facility separate, to the extent practicable, from  
11 persons awaiting or serving sentences or being held in custody pending appeal;
- 12 2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- 13 3. On order of the United States or on request of an attorney for the Government, the person  
14 in charge of the corrections facility in which defendant is confined shall deliver the  
15 defendant to a United States Marshal for the purpose of an appearance in connection with  
16 a court proceeding; and
- 17 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for  
18 the defendant, to the United States Marshal, and to the United State Pretrial Services  
19 Officer.

20 DATED this 31st day of July, 2015.

21 

22 Mary Alice Theiler  
23 United States Magistrate Judge